



Congo, Republic of

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The Republic of Congo¹ is ruled by a government in which most of the power was vested directly in the President. Denis Sassou-Nguesso was elected President by a large majority of voters in March, and in May and June legislative elections were held for the Senate and the House of Delegates in most jurisdictions. Both the presidential and legislative elections were determined to be generally free and fair and "not to contradict the will of the people" by independent monitors; however, there were some flaws and irregularities in the administration of the elections, which caused lingering credibility issues for some persons in the international community and certain nongovernmental organizations (NGOs). The Government took office in August, and the legislature began work in October. Because of security problems, elections in some jurisdictions in the Pool region had not yet been held. Antigovernment Nsiloulou Ninja militiamen operated principally in the northern and central Pool regions and the conflict heated up in parts of the Pool. The judiciary was corrupt, overburdened, underfinanced, and subject to political influence.

The security forces included the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces was not always clear. In theory the police should be the first to respond to security incidents, with gendarmes and army units intervening later if necessary; however, in practice overlapping operations were common. The Government did not have full control over some individual members or units of the security forces. The Angolan armed forces that were in the country under a bilateral agreement to provide security had departed by year's end. During the year, some Angolan units had moved into the Pool to help secure the railroad following the March attacks by an antigovernment militia and provided security on other occasions. Some members of the security forces committed serious human rights abuses.

The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 1998-99 conflict, particularly in Brazzaville, where an estimated one-third of the country's approximately 3 million population normally resided. Oil and timber exports remained the country's main sources of foreign exchange. Although per capita gross domestic product was estimated in 2001 at approximately \$700, this figure included substantial oil export revenues, which were not distributed widely throughout the population. Approximately 70 percent of the population lived in poverty. Lack of transparency and inefficient government impeded rehabilitation and development.

The Government's human rights record remained poor, and it continued to commit serious abuses. Security forces were responsible for extrajudicial killings, as well as summary executions, rapes, beatings, physical abuse of detainees and citizens, arbitrary arrest and detention, looting, solicitation of bribes and theft. There were credible reports that the Government deployed undisciplined forces during the year in the Pool region. Prison conditions were poor. The judiciary was unable to ensure fair and expeditious trials. The Government and its political allies continued to monopolize domestic broadcast media; however, private newspapers circulated freely and often were critical of the authorities. There were some limits on freedom of movement. Domestic violence and societal discrimination against women were serious problems. Discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor was a problem. There were unconfirmed reports of the recruitment of child soldiers. There were reports of trafficking in persons. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

Rebel militias committed serious human rights abuses.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were reports during the year of extrajudicial killings by security forces, particularly in the Pool region where the armed forces were fighting a rebel militia. Unlike in the previous year, there were no reports that police killed persons who fled arrest.

There was one report in that security forces summarily executed several soldiers responsible for killing an entire family. During the year, the Government deployed undisciplined troops on two occasions in Brazzaville and such forces were deployed in the Pool throughout the year (see Section 1.c).

No action was taken against members of the security forces responsible for the following killings in 2001: The September killing of a suspected thief and the killing of a person believed to have threatened the security of a government minister.

There were no developments in the July 2001 conviction of five police officers, who had been dismissed for their involvement in the November 2000 overcrowding and suffocation of 12 persons in jail. At year's end, they still were awaiting a decision on their sentencing by a civilian court in Pointe Noire.

No action reportedly was taken against members of the security forces responsible for the following killings or other deaths in custody in 2000: The death in custody of Gabriel Louya; the August killings of two family members of a policeman; and the September killing of a civilian during a dispute between security forces.

From March to year's end, many civilians were killed when rebel militia forces raided villages. In addition, rebel militia members kidnaped and allegedly killed a French priest (see Section 1.b.). Some 9,000 persons who had fled the fighting were in refugee camps outside Brazzaville at year's end.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals, or as individuals settled private disputes; however, police at times intervened to stop such action. For example, in November in a northern village a Rwandan refugee burned to death a Congolese woman as a result of a dispute. The Rwandan turned himself in to police to avoid mob action. Some villagers attacked and looted a Rwandan neighborhood. No action was taken against most of the persons who participated in mob violence. Some of the villagers were arrested; however, they subsequently were released.

b. Disappearance

In March, following an attack by Nsiloulou Ninja's militia on the railroad, the army began a campaign in the Pool region to suppress the militia. In July there were reports that at least 20 young men suspected of supporting the antigovernment Nsiloulou militia were arrested and taken away (see Section 5). Their whereabouts were unknown at year's end.

In August 2001, the Government appointed a special commission of the National Transitional Council (CNT) to investigate allegations that 353 young men who took refuge in the Democratic Republic of the Congo (DRC) in 1999 were separated from their families by security forces upon returning to Brazzaville in May 1999, and subsequently disappeared. The commission's report, which was to include other disappearances due to civil hostilities since 1993, was given to the Ministry of Justice in August shortly before the CNT was dissolved and the newly elected parliament was installed. The report was not made public by year's end. In December 2001, families of the disappeared filed suit in the International Court of Justice (ICJ) in Brussels accusing members of the Government, including President Sassou, of crimes against humanity. During the year, a French court began an investigation into the case. General Norbert Dabira, Inspector General and Logistics Chief of the Army, appeared before the court and denied involvement. In October the French court questioned Gerard Bitsindou, a former minister. The Government objected to his continued involvement in the court proceeding on the grounds that the court lacked jurisdiction. In December the Government filed suit in the ICJ to prevent French courts from exercising jurisdiction over members of President Sassou's government. The ICJ ruled that the court would not have jurisdiction until it received France's consent.

The rebel Nsiloulou militia kidnaped a French priest and an army officer. The priest was later found dead and most observers believed followers of Frederic Bitsangou, also known as Pastor Ntouni, killed him. On December 4, a group of armed men identified by the Government as Nsiloulou militia members kidnaped two employees of the

International Committee of the Red Cross (ICRC). They were released unharmed by year's end.

c. Torture and other Cruel and Inhuman Treatment or Punishment

The Constitution prohibits acts of torture and cruel, inhuman, or degrading treatment; however, in practice security forces sometimes used beatings to coerce confessions or to punish detainees. There were reports that female detainees were raped. Some members of the security forces beat citizens and looted their homes (see Section 1.f.), and frequently extorted money and cellphones from travelers at checkpoints (see Section 2.d.). No action was taken against responsible personnel by year's end.

There were reports that undisciplined government forces committed abuses such as summary executions, rape, looting, and other violent acts, primarily in the Pool region but also in Brazzaville. In the Pool region, the government forces reportedly included Angolan soldiers and mercenaries of Rwandan origin who severely mistreated the local population.

During negotiations in April for the surrender of Ninja militia members in Brazzaville, shots were fired in some southern neighborhoods of Brazzaville, which caused the residents of the area to panic and flee. Some army and police forces, who were in the area to ensure security during the surrender negotiations, robbed, beat, and in some cases raped the fleeing citizens. Subsequently, drunken soldiers threatened to kill an international humanitarian worker who refused to surrender her cellphone. After 2 days, during which homes and stores were looted, the soldiers were replaced with more disciplined troops; however, no action was taken against the responsible soldiers by year's end.

In June the Nsiloulou Ninja militia supporters of Pasteur Ntoumi, attacked the Brazzaville airport. Government forces fought the attackers, which caused residents of nearby neighborhoods to flee. Government soldiers again robbed and abused the fleeing citizens. Authorities responded forcefully by identifying and dismissing certain police officers and soldiers and returning stolen goods to the owners.

There were no developments in the August 2001 case in which dissatisfied soldiers threw a grenade at the home of the Defense Minister.

Members of the police received training in human rights from local NGOs in 2001, and on several occasions, high-ranking police officials gave speeches exhorting police officers and officials to respect civilians and their rights. During the year, the U.N. and the ICRC provided additional human rights training.

Prison conditions remained poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons functioned in Brazzaville and Pointe Noire and to a lesser degree in the smaller, more remote towns of Owando, Ouessou, and Djambala. The Ministry of Justice continued to repair some prisons during the year; however, lack of funds hindered efforts to improve physical facilities and to provide food and medicine.

Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. A group of 17 persons who spent 16 months in prison in Impfondo between 1998-1999 filed a complaint in Pointe Noire in 2000 against the Government alleging cruel and inhuman treatment, including torture, during their incarceration. In August 2001, dissatisfied with the pace of justice, they filed a complaint in a Belgian national court. This court eventually determined it lacked jurisdiction, and the case was dismissed during the year.

Women were incarcerated with men, and juveniles were held with adults. Pretrial detainees were detained with convicted prisoners.

Access to prisons and detention centers by domestic and international human rights groups continued to be granted. Local human rights groups, including the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC), the National Counsel for the Promotion and Protection of the rights of Detained Persons (CNPDH), and a Catholic Church organization visited prisons during the year. The ICRC continued regular visits to prisons and detention centers throughout the country.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, security forces frequently committed such acts. For example, the husband of a journalist was arrested without a warrant and taken from his home following a

complaint by a prominent clergyman that the journalist's employer had published a report that the clergyman was involved in the abuse of female refugees. The journalist followed the arresting officers and arranged for her husband's release by appealing to the officers' superiors.

The Code of Penal Procedure, which remained in force, requires that a person be apprehended openly and that a lawyer be present during initial questioning. The Code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice the Government often violated these legal provisions. Detainees usually were informed of the charges levied against them, and lawyers and family members usually were given access to them. There is a system of bail called a "caution"; however, more than 70 percent of the population has an income below poverty level and usually cannot afford to pay bail.

During the year, government forces arrested young "southern" men following militia attacks (see Sections 1.b. and 5).

The Constitution prohibits forced exile; however, in the past, the Government has blocked the return of some citizens. For example, some officials of the previous government, including former President Lissouba and former Prime Minister Kolelas, remained outside the country. Kolelas' attempts to return failed on at least two occasions in 2001 when the Government intervened and airlines refused to transport him. Many other officials of the former government, including cabinet members, have returned to the country and resumed political activity. A few were elected to the new Parliament. During the year, none of the more senior exile leaders attempted to return.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary continued to be corrupt, overburdened, underfinanced, and subject to both political influence and bribery. Lack of resources continued to be a severe problem; almost nothing remained of judicial records, case decisions, and law books following the looting during the civil wars of the late 1990s. The Ministry of Justice continued slowly to rehabilitate courthouses during the year.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In addition, two new judicial bodies were added under the new Constitution: The Constitutional Court (to supervise elections and judge the constitutionality of laws) and the High Court of Justice (whose function is to try a President accused of treason). In rural areas, traditional courts continued to handle many local disputes, especially property and probate cases, and domestic conflicts that could not be resolved within the family.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts, defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reached the court system.

The Government established military tribunals to try soldiers for abuses committed during periods of conflict. During the year, the tribunals were active; however, the sessions were not public.

In December 2001, in addition to previous convictions, former President Lissouba was convicted in absentia of high treason and sentenced to 30 years hard labor plus a fine of approximately \$37 million (25 billion FCFA) (see Section 3.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution prohibits such actions; however, in practice security forces at times illegally entered, searched, and looted private homes. During the year, military, gendarmerie, and police forces occasionally beat civilians and looted their homes sometimes in revenge for complaints filed by the civilians against them. During the period following the shootings in April and the June Ninja attack on the Brazzaville airport (see Section 1.c.), such incidents briefly became common. More responsible officers attempted to restrain their troops but with varying degrees of success. In the areas of the Pool where government security forces and affiliated forces were fighting the Nsiloulou Ninjas, reports of such behavior by the army were common.

Citizens generally believed that the Government monitored private mail and telephone communications; however, there were no reports that security forces arrested persons due to the content of their private communications.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, although it also criminalizes certain types of speech such as incitement to ethnic hatred, violence, or civil war, and the Government generally respected these rights; however, it continued to monopolize broadcast media. In 2001 the Press Law was modified. While maintaining monetary penalties for defamation and incitement to violence, the law no longer requires prison terms for violators, including cameramen, editors, and other working members of the press. The law also applies to include the Internet and business public relations operations.

There was no state-owned newspaper. There were 15 to 20 private newspapers that appeared weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles disparaging authorities. Newspapers continued to publish on occasion open letters written by opponents of the Government who were in prison or lived abroad. The print media did not circulate widely beyond Brazzaville and Pointe Noire; however, it reached approximately two-thirds of the population.

Most citizens obtained their news from the broadcast media, primarily radio, which effectively remained a government monopoly. Government-owned Radio Congo and Radio Brazzaville broadcast approximately 18 hours a day; government-owned Television Congo broadcast for fewer hours. A local FM station rebroadcast Radio France International and Voice of America (VOA), and British Broadcasting Corporation (BBC) retransmissions were available. Radio and television broadcasts from neighboring DRC were received in Brazzaville. The private independent station, Radio Liberte continued to broadcast. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year. A Christian missionary group in Pointe Noire received permission to broadcast during daylight hours; it voluntarily provided its broadcast material to the Government prior to broadcast. The news coverage and the editorial positions of the state-owned media reflected government priorities and views.

Government broadcast media focused its attention on the activities of government officials and their supporters; there was no meaningful airing of alternative political views.

Internet service was available through two private companies in Brazzaville, and two companies based in Kinshasa, DRC. The government-controlled provider ceased operations in the late fall. Several Internet cafes also provided access, and private persons with sufficient money could access the Internet directly via satellite and service providers in Brazzaville, Pointe Noire, or the DRC.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common, and there were no known public protests. Groups that wished to hold public assemblies were required to inform the Ministry of Interior, which could withhold authorization for meetings that threatened public order; however, there were no reports that the Government withheld permission during the year.

The law permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. All groups, political, social, or economic, were generally required to register with the Ministry of Interior, which in August was divided into the Ministry of Security and Police and the Ministry of Territorial Administration. No political parties were banned or suspended. The parties of some prominent leaders of the former government continued to operate.

c. Freedom of Religion

The Fundamental Act provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, in practice the Government imposed some limitations. Military and police checkpoints, which at times interfered with the movement of civilians, continued to operate during the year, and soldiers frequently extorted money and cellphones from private persons and commercial traders to permit passage through these checkpoints. Following the March and June Nsiloulou militia attacks on the railroad and Brazzaville's airport (see Section 1.c.), the Government restricted travel in the Pool region. The inhabitants were requested to depart to avoid being injured by government forces in pursuit of the Nsiloulou militia and their supporters. Movements by international organizations and NGOs were restricted due to the security situation. Permission to enter the area of conflict could be obtained only from the Ministry of Security and Police.

Unlike in the previous year, there were no reports that the Government intervened to prevent the return of anyone to the country; however, no senior member of the opposition tried to return during the year.

There were no reports of the prevention of the return of displaced persons; however, train service was disrupted following attacks on it by the Nsiloulou Ninja militia during the year.

During the civil conflicts, tens of thousands of citizens fled into neighboring countries, particularly Gabon and the DRC. Approximately 45,000 persons fled to the Bas-Congo province of the DRC; however, all but approximately 5,000 had been repatriated to the country by year's end. Approximately 15,000 citizens fled to Gabon and, according to U.N. figures, 9,000 persons remained there at year's end. In 2001 the U.N. High Commissioner for Refugees (UNHCR) signed a tripartite accord with the Government and the Government of Gabon for the return of these persons. According to the UNHCR, fewer than 700 such persons had returned to the country by year's end.

The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted first asylum to refugees from other countries. The country continued to host a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in the eastern part of the DRC in 1996 and arrived in the country mainly in 1997. The Government, in collaboration with the UNHCR, integrated approximately 2,000 of these refugees in the north-central regions of the country; however, some remained loosely grouped in an encampment north of Brazzaville, and others have integrated informally into society. Humanitarian NGOs reported that there were 20,800 Angolan refugees in Pointe Noire at the end of 2000. Of these, approximately 3,000 continued to receive some UNHCR assistance in camps during the year; the remaining approximately 16,000 were integrated into the local communities or repatriated.

More than 100,000 refugees and several hundred combatants, including DRC troops, have fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province since 1999; some were repatriated to Kinshasa. Lack of roads and airstrips, and insecurity along the Congo and Ubangui rivers, complicated humanitarian access to these refugees. Beginning in September 2001, a series of joint river patrols by government and DRC authorities improved the security situation and permitted relatively safe river travel as far north as Impfondo. Humanitarian organizations were able to provide materials to the refugees as far north as Betou (see Section 4). With the beginning of the intra-Congolese dialog, some refugees from this area were able to cross the river to their former homes; however, few felt safe enough or wished to return permanently. In April authorities arrested and repatriated forcibly to the DRC 19 DRC refugees. Some of these individuals had refugee status applications pending with the UNHCR; however, none had been granted formal refugee status by the UNHCR because of their possible involvement in human rights abuses as former members of the DRC's security and intelligence services. Their families and colleagues, who had received provisional refugee status, remained in the country, and during the year, they were moved within the country for security reasons. In October some refugees from the Central African Republic (CAR) fled to the country following an coup attempt in Bangui; however, most had returned to the CAR by year's end.

There were no reports of the forced return of persons to a country where they feared persecution during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

With a Constitution and the holding of elections during the year, citizens generally had the right to change their government peacefully. Presidential and legislative elections held over a period of nearly 6 months in two rounds per election were determined "not to contradict the will of the people" by independent observers, despite obvious flaws like insufficient numbers of ballots at certain polling stations and confusion over their locations. In addition, key documents, such as the Constitution, and the elections were viewed by some foreigners as designed to protect

the status quo. International observers for the presidential elections in March included the Organization of French-Speaking Countries, the European Union, and the African Union. Local observers included NGOs. There were fewer international observers for the legislative elections. Most foreign observers based in the country concluded that elections were reasonably free and fair and did not thwart the will of the people, although they were flawed and remained incomplete at year's end due to an ongoing armed insurgency in the Pool region. Administrative improvements also were noted in each round.

The Sassou-Nguesso Government came to power by force of arms in 1997 with the help of the armed forces of Angola. During the 1998 national reconciliation forum, the Government announced its intention to enact a new constitution and hold elections within 3 years. The draft Constitution was approved by the CNT in November 2001, and approved by a referendum on January 20.

The Constitution gives the President extraordinary power. He presides over the Council of Ministers and proposes legislation. The President also directly appoints three members of the nine-person Constitutional court, appoints from a list four more members, and names its president from among its members. Although the Parliament votes the budget, most of the day-to-day responsibility for government operations was in the hands of the executive branch, and the President can decree a budget that has been rejected twice by the Parliament.

The state remained highly centralized. Since the 1997 civil war, key regional and local leaders have been appointed by the central Government. Subnational government entities lacked an independent revenue base and did not represent a significant check on central authority.

Major political parties included the ruling Congolese Workers' Party (CNP), the Panafrican Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress. There were as many as 200 other parties; however, most generally were ineffective. Some party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it nonviolently returned to or remained in the country. Opposition parties were able to campaign openly during the year, hold rallies and press conferences, and place their supporters inside polling places to monitor elections. The opposition was ineffectual and divided. Some parties asked their supporters to boycott the elections and withdrew their candidates. During the election campaign, certain candidates were accused of intimidation, incitement to violence, and cheating; such candidates were disqualified from participation in the election. Nevertheless, opposition parties were publicly encouraged to field candidates, to furnish observers, and to participate in pre-election activities. Television broadcasts provided airtime to opposition politicians; however, government candidates were provided more airtime. Newspapers freely expressed the entire range of opposition opinion. There were a few reports of intimidation of candidates and voters; however, the opposition allegedly was responsible for about 40 percent of the incidents. There was no cohesive opposition, and many of the political parties were more personality-centered than they were representative of a constituency.

In 1998 the CNT passed a law on genocide, war crimes, and crimes against humanity that permits the exclusion from public office of those found guilty of such crimes. This law could be used to exclude opponents from the political process, and the threat of charges under this law may have dissuaded exiled political figures from returning to the country. In 1999 a court convicted in absentia former President Lissouba of plotting to kill President Sassou-Nguesso, and in 2000 a court convicted in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war. In December 2001, Lissouba was again convicted, this time for high treason, and sentenced to 30 years' hard labor (see Section 1.e.). Nevertheless, many senior officials of the former government, including a number of former cabinet ministers, returned to the country and resumed political activities without incident.

There were no legal restrictions on political participation by women or minority populations. There were 9 women in the 60-seat Senate and 12 women in the 137-seat House of Delegates. There were 5 female ministers in the 33-member Cabinet. There was one female candidate in the presidential election.

Pygmies continued to be excluded effectively from social programs and the political process, in part due to their isolation in remote forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including members of the President's Mbochi ethnic group; however, no ethnic or regional group was overly represented. Members of ethnic groups, who did not support the Government during the war, have been permitted to return to their former government jobs.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated with minimal government restriction, investigating and publishing their findings on human rights cases; however, some human rights leaders maintained that at times they were subjected to subtle forms of intimidation, including phone calls of a harassing nature. Nevertheless, they continued to publish reports that were highly critical of the Government with no apparent reprisal. Government officials generally were uncooperative and unresponsive to human rights groups.

In late December, the Council of Ministers approved a draft law for the formation of a national human rights commission and forwarded it to the Parliament for consideration.

The ICRC maintained an office in Brazzaville. During the year, the security situation in large parts of the Pool region deteriorated. Following the Nsiloulou Ninja attacks in March and April, humanitarian and international organizations were required to coordinate in advance with government authorities their movements in the Pool region. On occasion, access was denied on security grounds. On December 4, two staff members of the ICRC, a delegate and a local staff person, were kidnaped in the Pool region; they later were released unharmed (see Section 1.b.). The Government and the DRC continued joint border patrols on the Congo and Ubangui rivers, further improving the general security situation and discouraging bandits and undisciplined military units from randomly targeting civilians and refugees (see Section 2.d.). Humanitarian organizations were able to provide materials to the refugees as far north as Betou.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifically prohibits official discrimination; however, societal discrimination persisted in practice, particularly against women and Pygmies. Ethnic and regional differences continued; however, there was no organized societal violence during the year.

Women

Domestic violence against women, including rape and beatings, was widespread but reported rarely. Domestic violence was handled within the extended family and only the more extreme incidents were brought to the police. There were no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998-1999 civil conflict raised public awareness of violence against women. NGOs, such as the International Rescue Committee, the ICRC, and Medecins Sans Frontieres, continued to draw attention to the issue and provided counseling and assistance to victims.

Female genital mutilation (FGM) was not practiced indigenously, but may have occurred in some of the small immigrant communities from countries where it was more common.

The Constitution provides for the equality of all citizens, prohibits discrimination based on gender, and stipulates that women have the right to equal pay for equal work; however, in practice women were underrepresented in the formal sector. Most worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas especially were disadvantaged in terms of education and wage employment and were confined largely to family farming, petty commerce, and childrearing responsibilities.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate goes to the wife, in practice the wife often lost all rights of inheritance upon the death of her spouse, especially in the context of traditional or common law marriages. The symbolic nature of the dowry set in the Family Code often was not respected, and men were forced to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the financial means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers.

A number of NGOs worked on women's problems; however, their effectiveness varied widely. The new Cabinet included a ministry of Social Solidarity, Humanitarian Affairs, Disabled War Veterans, and Family Affairs, which was headed by a woman. A second ministry, the Ministry of Agriculture, Livestock, Fisheries, and Women's Affairs, also was headed by a woman. This ministry included a Secretary of State delegate to the ministry whose portfolio was for women's affairs and the involvement of women in development.

Children

The Constitution provides children equal protection under the law. Education was compulsory and free until the

age of 16 years. Girls and boys attended primary school in equal numbers; however, school attendance by girls declined precipitously at the high school and university levels. In 1997 the literacy rate was 77 percent for the total adult population but only 70 percent for women. Current literacy rates were unknown but were believed to have fallen due to the widespread destruction of schools and displacement of persons by the political instability and physical insecurity during much of the 1990s.

Teenage girls were often pressured to exchange sex for better grades. This practice resulted in both the spread of HIV/AIDS and unwanted, unplanned pregnancies, which were considered social problems.

FGM may be performed on girls in some immigrant communities (see Section 5, Women).

There were indigent street children in Brazzaville, and their numbers have grown as a result of civil conflict since 1997. In addition, children from the DRC easily crossed the river by stowing away on the ferry, which crossed several times per day, to seek improved living conditions. UNICEF estimated that at least 20 percent of street children in Brazzaville were from the DRC; however, NGO estimates were as high as 50 percent or more. Children from the DRC also were found in Pointe Noire. The children were not known to suffer from targeted abuse by government authorities or vigilante groups; however, they were vulnerable to sexual exploitation and often fell prey to criminal elements including drug smugglers. Many of the street children beg or sell cheap or stolen goods to support themselves. Some may have turned to prostitution or petty theft.

There were unconfirmed, anecdotal reports that children were recruited as soldiers for service in the Pool region after the April violence in Brazzaville.

Persons with Disabilities

The Constitution prohibits discrimination based on physical condition; however, in practice this prohibition generally was not enforced, because the Ministry responsible for implementation of this provision lacked the necessary funds. There was no overt discrimination against persons with disabilities in employment and education. There were no laws mandating access for persons with disabilities.

Indigenous People

The Constitution prohibits discrimination based on ethnicity; however, the indigenous Pygmy ethnic group, who numbered in the tens of thousands and lived primarily in the northern forest regions, did not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country and different cultural norms. Pygmies usually were considered socially inferior and had little political voice. Many of them had never heard of the concept of voting and had minimal ability to influence government decisions affecting their interests. Human rights groups were preparing a small, foreign government-funded program of education on their rights for the Pygmies.

There was no credible information on whether the traditional practice of Pygmies working as indentured servants for Bantus continued during the year. Many Pygmies, possibly including children, have been exploited as cheap labor and discriminated against in employment, education, and the health sector by Bantus; however, there was little information regarding the extent of the problems during the year.

National/Racial/Ethnic Minorities

The Constitution prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and in practice ethnic discrimination persisted. Former civilian employees of the Government were encouraged to return to their former jobs even though they are from ethnic groups that opposed the Government during the civil war and the disturbances that followed. There were reports that security forces arrested young "southern" men following the April shootings in Brazzaville and an attack on the airport in June. The "Ninja" militia members were believed to be from southern ethnic groups, and the young men were accused of being supporters of the attacking militia (see Section 1.b.).

Four major ethnic groups made up approximately 95 percent of the country's population; these groups spoke distinct primary languages and were concentrated regionally outside of urban areas. The largest ethnic group was the Kongo, who constituted the main ethnic/linguistic group in the southern part of the country and approximately half the country's population. Within the Kongo group were various subgroups, including the Lari and the Vili. Other major ethnic groups included the Teke of the central region, with approximately 13 percent of the population, and

the Mbochi of the northern region, with approximately 12 percent of the population. Societal ethnic discrimination was prevalent among virtually all ethnic groups, and was evident in private sector hiring, buying patterns, and de facto segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact, and supporters of the Government included persons from a broad range of ethnic and regional backgrounds.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides workers with the right to form unions, and the Government respected this right in practice. Any worker, except members of the "Forces Publiques," which included police, gendarmerie, and Armed Forces, was free to join a union of his choice. There are two recognized trade unions in the country, the Confederation des Syndicates de Travailleurs du Congo, and the Congo Confederation des Syndicats Libres Autonomes du Congo. The Labor Code affirms the right to associate freely and prohibits restrictions on the formation of trade unions. Most workers in the formal wage sector were union members, and unions made efforts to organize informal sectors such as agriculture and retail trade.

Employers were prohibited from discriminating against employees who join a union. There were no reported firings for union activities; however, salaries were withheld from teachers who attempted to strike.

Unions were free to affiliate with international trade unions, and they maintained cooperative accords with foreign trade union organizations, such as the International Labor Organization (ILO) and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Labor Code allows for collective bargaining, and this right was respected and practiced freely. However, collective bargaining was not widespread due to the social and economic disruption and extreme hardship that occurred during much of the 1990s. The Government set industry-specific minimum wage scales; however, unions usually were able to negotiate higher wages for their members.

The Constitution also affirms workers' right to strike, subject to conditions established by law. Unions were free to strike after filing a letter of intent with the Ministry of Labor, thereby starting a process of non-binding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is not complete. Employers have the right to fire workers if they do not give advance notice of a strike. No formal strikes occurred during the year; however, some informal work stoppages occurred over wages and ended when an increase was forthcoming.

In 2001 the Government sought organized labor's agreement to a "social truce" during the period of post-conflict reconstruction, which was opposed by some labor organizations. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed. Banks and pension funds were stolen before the civil war. Civil service retirees did receive payments, but they were minimal.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, such practices occurred. There was no credible information on whether Pygmies were forced to work as indentured servants for Bantus. Bantus have exploited many Pygmies, possibly including children; however, little information was available regarding the extent of the problem during the year.

d. Status of Child Labor Practices and Minimum Age for Employment

Under the Constitution, children under age 16 are not permitted to work; however, in practice this law generally was not enforced, particularly in rural areas and in the informal sector in cities. Children worked with their families on farms or in small businesses in the informal sector without government monitoring or supervision. The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its efforts only on the formal wage

sector. In September 2001, the Government and UNICEF jointly conducted a survey of the extent of child labor and its effects on society; however, the results were not available by year's end. Following the April shootings in Brazzaville, there were unconfirmed reports of street children being recruited for military service in the Pool region. The Government denied that recruitment of child soldiers was authorized and was opposed to child soldiers; however, unofficial sources indicated that the children were not forced, but rather enticed by offers of money and new clothing. According to the draft ILO study on child soldiers, most child soldiers involved in the civil conflicts in 1997 and 1998 were actually volunteers with a variety of motivations, including the participation of family members, the desire for revenge, and the desire to enter the army.

There were unconfirmed reports of forced child labor (see Section 6.c.).

e. Acceptable Conditions of Work

The Fundamental Law provides that each citizen has the right to remuneration according to his work and merit. The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers. The minimum wage was approximately \$75 (50,000 CFA francs) per month. It was not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employment beyond their principal employment.

Although health and safety regulations require twice yearly visits by inspectors from the Ministry of Labor, in practice such visits occurred less regularly. While unions generally were vigilant in calling attention to dangerous working conditions, the observance of safety standards often was lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment. Legal foreign workers were protected by the same law that protected citizen workers; illegal workers were not protected by the law and faced deportation.

f. Trafficking in Persons

The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, or within the country.

An ILO study conducted in 2000 in Yaounde, Douala, and Bamenda, Cameroon, indicated that regional traffickers transported children between the Republic of Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

There were reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the prevalence of the problem remained unclear.

The Government stated that it did not believe trafficking was a problem. There were no special programs to address trafficking issues.

¹ The United States Embassy evacuated its facilities in the country during the 1997 civil war and subsequently operated out of the American Embassy in the Democratic Republic of the Congo; however, in late 2001, operations resumed, and at least one American diplomat usually was present in the country during the year.